

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

DAMARIS J. RUSSELL,

Plaintiff

vs.

MICHAEL J. ASTRUE,
Commissioner, Social Security
Administration,

Defendant

No. CIV-07-1252-C

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendation entered by the United States Magistrate Judge on August 6, 2008. The court file reflects that no party has objected to the Report and Recommendation within the time limits prescribed. Therefore, the Court adopts the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation of the Magistrate Judge is adopted in its entirety, and this matter is remanded to the Commissioner for further administrative proceedings relating to Ms. Russell's alleged anxiety disorder. On remand, the SSA need not revisit classification of Ms. Russell's pharmacy technician job as "past relevant work." In light of the SSA's concession, however, the agency should not consider the food service job as "past relevant work" based on the existing record. A judgment shall enter accordingly.

IT IS SO ORDERED this 30th day of September, 2008.



ROBIN J. CAUTHRON
United States District Judge